

Bill inspired by tragic loss of Lieutenant Colonel Dominic Baragona during accident involving Kuwaiti Company

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Washington, DC □□ –Congressman Tim Ryan (OH-17), was joined by his colleagues Congresswoman Betty Sutton (OH-13), Congresswoman Mary Jo Kilroy (OH-15), Congressman Dennis Kucinich (OH-10) and Congressman John Boccieri (OH-16) to introduce a bill that would give United States federal courts jurisdiction over all federal contracts with both domestic and foreign contractors. House Resolution 2349 has been introduced in response to the tragic loss of Lieutenant Colonel Dominic “Rocky” Baragona of Niles, Ohio, during an accident involving a Kuwaiti company.

In 2003, Lieutenant Colonel Baragona was killed when his Humvee was struck by a supply truck driven by a Kuwaiti contractor, Kuwait Gulf & Link (KGL) Transport Company, in Iraq. KGL was under contract with the U.S. Army to deliver supplies into Iraq at the time its truck struck and killed Baragona. Rocky’s family filed suit against KGL in a Georgia federal court. When KGL refused to show, the court entered a \$4.9 million default judgment against the corporation and the U.S. Army threatened to cancel its contract with them. The company then made a special appearance to have the judgment vacated under the premise that a U.S. court **DOES NOT** have jurisdiction over the company. Recently a judge vacated the earlier decision.

“Kuwait Gulf and Link is responsible for the wrongful death of a decorated soldier,” said Congressman Tim Ryan.

“It is a miscarriage of justice to allow this company to hide behind a procedural technicality in the American Legal System. KGL’S attempt to shirk its responsibility to the Baragona family is not only an abuse, but also callously unjust.”

“Contractors that receive our American tax dollars must be held accountable for their actions in U.S. Courts,” said Congresswoman Betty Sutton. “No family should ever experience what the Baragona family is having to endure. This lack of accountability should never happen again.”

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“Americans serving abroad, both military and civilian, should be protected under this nation’s law, especially when the projects are funded by the American taxpayer,” Congresswoman Mary Jo Kilroy said.

“This tragic incident makes action necessary to ensure these loopholes do not prevent justice.”

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“The treatment the Baragona family has received from the Kuwaiti Gulf and Link Transport Company and the United States Government is deplorable,” said Congressman Dennis Kucinich.

“Lieutenant Colonel Baragona served this country honorably, and this bill will serve Baragona by helping to ensure that a contractor cannot evade responsibility by hiding behind the law.”

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"I'm very disappointed that KGL would find loopholes in the law to deny Lieutenant Colonel

Baragona's family the opportunity to be made whole,"

Congressman Bocchieri said.

"KGL wants American soldiers to protect them, but when the opportunity presents itself to protect the families of soldiers killed, they find loop holes in the law.□ This bill helps close those loopholes and makes companies like KGL accountable for the lives of our soldiers once again."

The bill requires that all U.S. federal contracts include a clause establishing consent of the contractor (whether foreign or domestic) that U.S. federal courts will have jurisdiction over disputes arising out of the contracts, including suits involving serious bodily injury of a U.S. service member, government employee or U.S. citizen contractor. The clause would also have to be added to any contract modifications or new task orders under ID/IQ contracts after passage of the law. Senator Claire McCaskill has introduced a companion bill, S. 526 in the Senate.